

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

Matthew Kiman

v.

No. 01-cv-134-JD

New Hampshire Department
of Corrections, et al.

O R D E R

On August 1, 2007, the court granted in part and denied in part the defendants' motion for summary judgment (document no. 41). With that order, the court also granted the plaintiff's motion for leave to file a sur-reply (document no. 87) and noted that it had considered the sur-reply in ruling on the motion for summary judgment.

Before the court ruled on summary judgment, the defendants filed an objection to the plaintiff's sur-reply memorandum. In response, the plaintiff filed a motion to strike the defendants' objection to the sur-reply (document no. 90), to which the defendants objected. Additionally, the plaintiff filed a motion for leave to reply to the defendants' objection to the sur-reply (document no. 93).

These procedural motions appear to revolve around a discovery dispute between the parties. As the court made clear in the summary judgment order, discovery in this case is over and

the record is closed. Neither party has asked for leave to reopen the record. The court therefore ruled on the summary judgment motion based on the record that had been previously established. Nothing that has been presented in these motions would cause the court to reconsider that ruling. Moreover, the plaintiff's motions to strike and to reply to the defendants' objection to the sur-reply are moot given that the court granted the plaintiff's motion for leave to file a sur-reply and considered it in ruling on the motion for summary judgment.

Conclusion

The court denies the plaintiff's motions to strike (document no. 90) and for leave to reply (document no. 93) to the defendants' objection to the plaintiff's sur-reply.

SO ORDERED.


Joseph A. DiClerico, Jr.
United States District Judge

August 9, 2007

cc: Andrew B. Livernois, Esquire
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